IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

CRL.A.No. 923 of 1999(D)

CC.214/1998 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM
CRL.M.C. NO.6132/1999 DATED 08/12/1999

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APPELLANT:

M/S.VITHAYATHIL SALES CORPORATION,
37/410-B,
FIRST FLOOR, K.P.K.TOWERS,
POST OFFICE LINK ROAD,
BROADWAY, ERNAKULAM,
REPRESENTED BY ITS PARTNR, V.K.ANTONY.

BY ADV. SRI.DALE P.KURIEN

RESPONDENTS:

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1. K.M.PAREED,
MANAKKAL TEXTILES, MANAKKAL COMPLEX,
ERATTUPETTA.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 02/07/2007, ALONG WITH CRL.A NO.13 OF 2000, CRL.A NO.14 OF 2000, CRL.A NO.15 OF 2000 & CRL.A NO.16 OF 2000, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.Nos. 923/1999(D), 13/2000(A), 14/2000(A), 15/2000(A) &16/2000(A)

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Dated this the 2nd day of July, 2007

J U D G M E N T

The sole appellant in the above appeals is the complainant in C.C.Nos.214/1998, 478/1998, 479/1998, 477/1998 and 215/1998, respectively in the file of the Additional Chief Judicial Magistrate, (E & O), Ernakulam, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the cases on merit. The appellant shall appear before the court below on 01-08-2007. The court below shall issue fresh summons to the accused.

The appeals are allowed.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.A.No.923/1999(D) and
connected cases

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J U D G M E N T

2nd July, 2007